

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u>,	:	Case No. 08-35653-KRH
	:	
	:	Jointly Administered
Debtors.	:	
-----X		

**RESPONSE OF BRIGHTON COMMERCIAL, L.L.C. TO THE
LIQUIDATING TRUST’S FIFTEENTH OMNIBUS OBJECTION
TO LANDLORD CLAIMS AND TO THE TWENTIETH OMNIBUS
OBJECTION TO LANDLORD CLAIMS AND ALL
OTHER PENDING OBJECTIONS AGAINST THE CLAIMS
OF BRIGHTON COMMERCIAL, L.L.C.**

Brighton Commercial, L.L.C. (“Brighton”), hereby responds to the Liquidating Trust’s Fifteenth Omnibus Objection to Landlord Claims (at docket no. 10053) (the “Fifteenth Omnibus Objection”) and to the Liquidating Trust’s Twentieth Omnibus Objection to Landlord Claims (at docket no. 10072), as follows:

Pursuant to discussions with counsel for the Liquidating Trust (the “Trust”), Brighton believes that the trust intends to withdraw its objection to Claim no 12493 (defined below) in the Liquidating Trust’s Seventeenth Omnibus Objection to Landlord Claims (at docket no. 10061) (the “Seventeenth Omnibus Objection”). Pursuant to these same discussions, Brighton believes that the Trust intends to withdraw its objection to claim 14345 (defined below) contained in the

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Counsel for Brighton Commercial, L.L.C.

Twentieth Omnibus Objection. *See* attached Exhibit A. Brighton's responses below pertain only to the objections to its claims that remain in effect pursuant to the referenced discussions.

A. Claim 9477

1. Brighton prepared and filed a proof of claim for prepetition amounts due and owing from the Debtors that was numbered 9477 ("Claim 9477"), which claim seeks payment of \$45,839.61. Claim 9477 was filed timely by Brighton on January 30, 2009.

2. The Fifteenth Omnibus Objection seeks to expunge Claim 9477 on the basis that the Debtors do not show the claimed amounts as due in their books and records. Brighton opposes this proposed treatment. Brighton will provide supporting documentation, upon request, including documents attached to the claim, as the documents are too voluminous to attach at this time.

3. Exhibit G to the Twentieth Omnibus Objection explains that the Trust seeks to expunge Claim 9477, allowing Claim 12493 (defined below) to survive in its place. This proposed treatment is based on the Trust's assertion that Claim 12493 amends and eliminates Claim 9477. Brighton opposes this proposed treatment and will supplement the documentation provided with the claim for amounts that were not the subject of the amendment, upon request, as the documents are too voluminous to be attached at this time.

4. In sum, Brighton opposes and disputes the proposed expungement of Claim 9477 for the reasons stated herein.

B. Claim no. 12493

5. Brighton prepared and filed a proof of claim for rejection damages due under its lease with one of the Debtors pursuant to 11 U.S.C. § 502(b)(6), which claim was numbered

12493 (“Claim 12493”). Claim 12493 seeks payment of \$1,014,364.97 to Brighton, and was filed timely by Brighton on April 27, 2009.

6. Exhibit C to the Twentieth Omnibus Objection explains that the Trustee seeks to reduce Claim 12493 by \$36,016.04 for prepetition rent, \$14,578.92 for administrative rent, \$1,193.00 for attorneys’ fees (“Attorneys Fees”), and \$2,098.91 in December ’08 late fees.

7. The Trust offers no justification for these reductions other than that the claimed amounts are not reflected in the Debtors’ books and records. Brighton opposes this proposed treatment and will provide copies of all supporting documents, including those attached to the claim, upon request.

8. Brighton specifically disputes and opposes the proposed reduction of Claim 12493 as shown in the Twentieth Omnibus Objection.

C. Claim no. 14345

9. Brighton prepared and filed a proof of claim for administrative amounts due that was numbered 14345 (“Claim 14345”), which seeks payment of \$72,396.97. Claim 14345 was filed timely on June 30, 2009.

10. Exhibit E of the Fifteenth Omnibus Objection explains that the Trust seeks to expunge Claim 14345 as the amounts claimed are not reflected in the Debtors’ books and records. Brighton opposes this proposed treatment, as the amounts claimed on Claim 14345 are summarized and explained on Exhibit B to the claim. Supplemental supporting information will be provided on request.

11. Brighton specifically disputes and opposes the proposed disallowance of Claim 14345.

General Opposition

Brighton also generally opposes the proposed treatment contained in any other omnibus objection to its claims filed by the Liquidating Trust.

WHEREFORE, Brighton respectfully requests that the Court enter an order scheduling a hearing on the Fifteenth Omnibus Objection's proposed treatment of Claim 9477 and 14345 and on the Twentieth Omnibus Objection's proposed treatment of Claim 9477, and Claim 12493; overruling the Fifteenth, Seventeenth, and Twentieth Omnibus Objections as they pertain to the claims filed by Brighton; and for such other and further relief as the Court may deem proper and just under the circumstances.

Dated: April 7, 2011

CHRISTIAN & BARTON, LLP

/s/ Jennifer M. McLemore

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CERTIFICATE OF SERVICE

I, Jennifer M. McLemore, hereby certify that on the 7th day of April 2011, a true and correct copy of the foregoing Response has been served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter.

/s/ Jennifer M. McLemore

Jennifer M. McLemore